

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WENDY McGARRIGLE

v.

LIBERTY LIFE
ASSURANCE COMPANY
OF BOSTON, ET AL.

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CIVIL ACTION

NO. 13-206

ORDER

AND NOW, this 22nd day of May, 2013, upon consideration of Defendant Liberty Life Assurance Company of Boston's Motion to Dismiss (Docket No. 5), and all documents filed in connection therewith, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **GRANTED** with respect to Plaintiff's claim for long term disability benefits and **DENIED** with respect to Plaintiff's claim for short term disability benefits. **IT IS FURTHER ORDERED** that Plaintiff's claim for long term disability benefits pursuant to Factory Mutual Insurance Company's Group Disability Insurance Policy is **DISMISSED** without prejudice.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.